

BOARD OF MADISON COUNTY COMMISSIONERS
April 7, 2009 MINUTES

On Tuesday, April 7, 2009, a meeting of the Board of Madison County Commissioners came to order at 9:20 a.m. in the Commissioners' Conference Room of the Madison County Courthouse in Virginia City, Montana, with Commissioners David Schulz, Chairman, Jim Hart, Vice-Chair, and Marilyn Ross present. Laurie Buyan, Administrative Assistant, was present to take minutes.

Those people in attendance at the meeting were Charity Fechter, Kevin Germain, Katie Ward, Barbie Durham, Ken Whitten, Chip Gibbs, Jill Steele, John Semingson, Judy Melin, Vicki Tilstra, Sue Heald, Gene Hardin, Steve Garcia, Karen Brown, Johanna Lester, Richard Woods, Kay Von Bergen, Nick Novich, Troy Martin, Tom Leo, Brent Mills, John Olson, Craig Brawner, Jack Schunke, Bob Murdo, Tim Skop, Shelly Burke, Faye Kneeland, Keith Kneeland, Jeff Wigen, Tom Lawrence, Dan Lee, and Doug Tangen.

Jim Hart moved to approve the March 24, 2009, minutes as read. David Schulz seconded the motion. Marilyn Ross abstained from voting as she was not present for that meeting. David Schulz and Jim Hart voted aye. The motion carried on a majority vote.

Airports – Ennis AIP Request for Reimbursement: Jim Hart moved to approve the request for reimbursement from the Federal Aviation Administration for completed portions of Big Sky (Ennis) Airport Improvements Project #3-30-0090-010-2008, in the amount of \$105,025. Marilyn Ross seconded the motion. All voted aye and the motion carried.

Lee Property Renovations Contract: Marilyn Ross moved to accept the Contractor Agreement between Madison County and Wigen Construction for renovations to be completed on the residence located at 305 North Broadway Street in Virginia City, Montana, as shown on the bid specifications. Jim Hart seconded the motion. All voted aye and the motion carried.

Lee Property Retaining Walls Contract: Jim Hart moved to accept the Concrete Contractor Agreement between Madison County and Croy Construction and JC Excavations for retaining walls to be constructed on the residence located at 305 North Broadway Street in Virginia City, Montana, as shown on the bid specifications. Jim Hart seconded the motion. All voted aye and the motion carried.

County Cell Phones: The Board discussed renewing contracts for County issued cell phones. CellularOne has offered new phones for contracts that are renewed for an additional two year period. The Board will renew contracts for those phones that are being used. Since the County has made phones available to those who need them, there will be no reimbursement to those who choose to use a personal phone for County business.

Babcock Boundary Adjustment: Charity Fechter, Planning Director, and Katie Ward, Realtor, met with the Board to ask for a determination on whether a proposed amended plat represents "...a material alteration to the original plat or plan." Kevin Germain was also present for this portion of the meeting. Charity reviewed the proposal which includes four lots, three townsite lots that front on MT 287 and Lot 35-2, Babcock Minor located in Alder, Montana. Charity stated that the Evasion Review Board's unanimous position is that the proposed exemption effectively creates a subdivision and it is an amended plat requiring governing body review. The Board discussed a similar request that was required to go through subdivision review. Katie Ward explained that her intentions were to comply with subdivision regulations and to include an abandoned roadway into existing townsite lots. After discussion with Peggy Kaatz, Clerk and Recorder, it was determined that quit claim deeds would clear up the issue regarding lots along the abandoned roadway.

Planning Board Summary: Charity Fechter, Planning Director, presented the Board with a summary of the March 30 Planning Board meeting that was held on April 6, 2009. Kevin Germain was also present for this portion of the meeting. Charity reviewed the summary which included pre-applications that have been received by the Planning Department; a CDBG grant application that was unanimously supported by the Planning Board; Streamside Protection Regulations; the legislative status of bills being watched, including a bill dealing with remainders; Building Permit analysis; the Planning budget; and Planning Board member reports. Kevin Germain commented on a building permit program stating that it's a good idea in theory but may be hard to implement.

Interlocal Planning Agreement with Ennis: Charity Fechter, Planning Director, and Kevin Germain, Ennis Planning Board, met with the Board to discuss a resolution regarding planning services to the Town of Ennis. Kevin explained that County Planning Staff would be authorized to review all proposed subdivisions within Ennis town limits and would receive the review fees for everything except final plat review. After discussion, Jim Hart moved to adopt Resolution 11-2009, aka Town of Ennis Resolution 452-2009, a resolution of Interlocal Agreement between Madison County and the Town of Ennis for planning services. Marilyn Ross seconded the motion. All voted aye and the motion carried.

CDBG Planning Grant: Barbie Durham, Grant Writer, and Charity Fechter, Planning Director, met with the Board to discuss a Community Development Block Grant that would update the Madison County Growth Policy through mapping development constraints and evaluating the mechanisms available to address the housing shortage in Madison County. Barbie stated that they will ask for a waiver of matching funds if the grant is approved. Marilyn Ross moved to submit an application for the 2009 CDBG Planning Grant to the Montana Department of Commerce, Community Development Division; and to authorize a letter in support of the application. Jim Hart seconded the motion. All voted aye and the motion carried.

ABC Rentals: Ken Whitten and Chip Gibbs, ABC Rentals, met with the Board to discuss equipment needs in Madison County and to offer their services. Chip will send the Board a list of equipment that is available for sale or rent.

Public Health Nurse Position: Jill Steele, Public Health Administrator, informed the Board that the Public Health Board has offered the Public Health Nurse position to Christine Durham, with a beginning wage of \$22.94 per hour which is 95% of the full wage. The Board recommended that this amount be increased to 100% after one year of employment.

TRMCC and MVM Budget Review: John Semington, Tobacco Root Mountains Care Center Administrator, and Judy Melin, Madison Valley Manor Administrator, met with the Board to review the status of budgets at both facilities as of April 1, 2009. Also discussed was legislation related to nursing homes and CDBG funding for renovations.

Forest Service Road Maintenance Agreement: Gene Hardin and Sue Heald, Forest Service, met with the Board to discuss renewal of the annual road maintenance agreement. Gene presented a map designating roads maintained by the County and those maintained by the Forest Service. After discussion, Marilyn Ross moved to approve the Forest Development Road Cooperative Agreement, Schedule A, between Madison County and the Beaverhead-Deerlodge National Forest, effective for the 2009 Field Season. Jim Hart seconded the motion. All voted aye and the motion carried.

Master Participating Agreement- Forest Service: Gene Hardin and Sue Heald, Forest Service, met with the Board to discuss a Master Participating Agreement between Madison County and the U.S. Forest Service, Beaverhead-Deerlodge National Forest, to document their cooperation on a wide range of activities including but not limited to fire prevention, fuels management, insect and disease

control, endangered species protection, noxious weed control, recycling, erosion control, and land restoration. The Board will further review the agreement before taking action. Also discussed was mutual use of gravel pits.

Missouri River Drug Task Force Agreement: Per telephone conference with Dave Schenk, Sheriff, the Board discussed an annual agreement with the Missouri River Task Force. Because the Sheriff would like to discuss this agreement with the task force, the Board will wait until hearing back from the Sheriff before making a determination on the agreement.

Montana DOT Equipment Grant: Per telephone conference with Dave Schenk, Sheriff, the Board discussed a DOT agreement for funds to purchase four In-Car Videos and ten Portable Breath Testers. The Sheriff stated that this agreement covers the entire cost of the equipment with no County match. Marilyn Ross moved to approve the Standard Agreement between the Montana Department of Transportation and Madison County for Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grant, CFDA #20.601, in the amount of \$23,000. Jim Hart seconded the motion. All voted aye and the motion carried.

COPS Grant: Per telephone conference with Dave Schenk, Sheriff, the Board discussed applications for COPs grants. Dave stated that COPs grants were previously used to pay a portion of a new officer's wages for the first three years, but that they have changed and now pay the entire amount for the three period. The County would still be responsible for the entire amount of wages after the three year period has expired. The Sheriff stated this might be an opportunity to put two officers in the Town of Ennis if an Interlocal agreement can be developed. He also stated that there was no commitment on the County's part to accept the funds if the grant is approved. Jim Hart moved to proceed with the COPs grant in concept with further budget considerations to be discussed at a later date. Marilyn Ross seconded the motion. All voted aye and the motion carried.

Crime Stoppers: Per telephone conference Dave Schenk, Sheriff, informed the Board of progress on getting Crime Stoppers implemented in Madison County. Dave stated that the Lions Club is working with Beaverhead County to get a joint organization established and asked that the County consider contributing to the program.

Dental and Vision Insurance: Steve Garcia, Professional Health Planning, Inc, met with the Board to discuss a voluntary dental, vision, and accidental death and dismemberment insurance for Madison County employees. Karen Brown, GIS/IT, and Vicki Tilstra, Chief Financial Officer, were also present for this portion of the meeting. Steve reviewed the plan, stating that dental rates have gone down by ten percent.

Rivers Edge Campground Project Completion: Fair Board members Richard Woods, Kay Von Bergen, Nick Novich, Troy Martin, and Tom Leo met with the Board to discuss items needed to complete the Rivers Edge Campground project at the Twin Bridges Fairgrounds. Vicki Tilstra, Chief Financial Officer, was also present for this portion of the meeting. Because of a discrepancy between what was originally bid and what the contractor completed, certain portions of the campground project have not been completed. After discussion, Marilyn Ross and David Schulz agreed that they would have their road crews help complete work that has not been finished.

Rodeo/Grandstands/Budget Discussion: Fair Board members Richard Woods, Kay Von Bergen, Nick Novich, Troy Martin, and Tom Leo met with the Board to discuss issues related to the Rodeo, Grandstands, and the Fair budget. Vicki Tilstra, Chief Financial Officer, was also present for this portion of the meeting. Because the grandstands have been condemned there was discussion about not having a rodeo this year. If the rodeo is canceled there is a good probability that the dates will be taken by another entity and the Fair wouldn't be able to get these dates back. Bleachers have been

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ordered and will be in place in time for the fair. All present concurred that the rodeo should be kept. Other topics discussed were added purse money; vandalism at the fairgrounds; building repairs; and the proposed flat track. David Schulz commended Dana Escott for doing an incredible job of getting things done at the fair and for coming up with new ideas to make money. Nick Novich expressed appreciation to the Board for the effort put into the fair, especially the campground.

At 5:25 p.m. the remainder of the meeting was continued to April 8, 2009.

Wednesday, April 8, 2009: The meeting reconvened on April 8, 2009, at 8:50 a.m. with Commissioners David Schulz, Chairman, Jim Hart, Vice-Chair, and Marilyn Ross present. Laurie Buyan, Administrative Assistant, was present to take minutes.

BLM Communications Lease: Marilyn Ross moved to approve the Communications Use Lease between the Bureau of Land Management, Department of the Interior, and Madison County for the rental of public lands located in SE¼SW¼ of Section 14, Township 7 South, Range 6 West for the Sierra Peak Communications Site, to terminate at one minute after midnight on December 31, 2038. Jim Hart seconded the motion. All voted aye and the motion carried.

Department of Revenue Office Space Contract: Because circumstances regarding use of County owned office space by the Department of Revenue are the same as circumstances in Beaverhead County, Marilyn Ross moved to offer Courthouse office space to the Department of Revenue at \$13.50 per square foot with an annual increase of 2% per year, which is the same rate that is paid to Beaverhead County for County owned office space. Jim Hart seconded the motion. All voted aye and the motion carried. Tom Shaffer, Maintenance, will measure offices to determine square footage.

Harrison Rural Fire District Board Appointment: Marilyn Ross moved to appoint Alfred Hokanson as a trustee on the Harrison Rural Fire District Board for a three year term that will expire in 2012. Jim Hart seconded the motion. All voted aye and the motion carried.

Grants – TRMCC CDBG Project Architect: Marilyn Ross moved to advertise a Request for Qualifications for architectural services to assist the governing body in designing and in supervising the construction of a project for the expansion and renovation of the Tobacco Root Mountains Medical Care Center located in Sheridan, Montana. Jim Hart seconded the motion. All voted aye and the motion carried.

Resolution of Intent to Create an RID in Big Sky: Charity Fechter, Planning Director, Brent Mills and John Olson, Spanish Peaks Resort, Craig Brawner and Jack Schunke, Morrison and Maierle, Inc., Bob Murdo, Jackson, Murdo & Grant, P.C., Tim Skop, Gallatin County Planning Office, Shelly Burke, Treasurer, and Vicki Tilstra, Chief Financial Officer, met with the Board to discuss a proposed Rural Improvement District in Big Sky. Jack Schunke gave a background on the proposed RID, reviewed the roads that would be improved, and showed a map of lots to be included. Bob Murdo reviewed legal aspects of creating this RID and reviewed the resolution and each associated exhibit. David Schulz asked what risk is involved in the project. Bob Murdo discussed possible risks. Brent Mills of Spanish Peaks Resort thanked the Board for their support of the RID and for the willingness to work across County lines. Jim Hart moved to approve Resolution 12-2009, a resolution of intention to create Madison County Rural Improvement and Maintenance District No. 2009-01. Marilyn Ross seconded the motion. All voted aye and the motion carried.

Marilyn Ross left the meeting at this point to travel to Pony, Montana, for appointments there.

Parking Lot Lease with Kneelands: Faye Kneeland and Keith Kneeland met with the Board to discuss a lease for property owned by the Kneelands to be used as a parking area for the Lee property. Topics discussed were surveying the property at the County's expense; language in a lease; amount for an annual lease; improvements to the property; insurance coverage; and signage. The Kneelands will review a standard lease for language and return it to the Board. Jim Hart will investigate comparable rates for a lease of this type.

Wireless Communication at Lee House: Tom Lawrence, Telecommunications Contracting Services, and Dan Lee, Focal Point Networks, met with the Board to discuss wireless networking for both voice and data at the Lee house. Karen Brown and Johanna Lester, GIS/IT, and Jeff Wigen, Contractor for Lee property renovations, were also present for this portion of the meeting. Tom Lawrence outlined his portion of the project including low voltage cat 5e cabling plant for the Lee house, Nortel Norstar MICS Upgrade for Fax, and assisting in the installation and integration of a wireless bridge. Tom stated that this system would be compatible with the telephone system and software system currently being used in the Courthouse. Dan Lee outlined his portion of the project which would be to create a point-to-point wireless bridge from the Courthouse to the Lee house. After much discussion, Jim Hart moved to proceed with the Lee property telecommunications contracts with both Telecommunications Contracting Services and Focal Point Networks for a total amount not to exceed \$32,582, to include future negotiations on specifics, with contractor to research an optional price for a fax server option. David Schulz seconded the motion. All voted aye and the motion carried.

The Board conducted a walkover review of the retaining wall project at the Lee house with Chief Croy Construction, JC Excavating, and Northern Energy. The meeting reconvened at 4:30 p.m.

Airports – Ennis AIP Final Report and Amendment Letters: Jim Hart moved to approve the Consultant Certification for Project Testing, the Sponsor Certification of Testing Laboratories, Required Determination for Project Close-Out, Letters Requesting Grant Amendments, and Sponsor Certification for Construction Project Final Acceptance for the Big Sky (Ennis) Airport, Airport Improvement Projects 3-30-0090-010-2008 and 3-30-0090-011-2008, Rehabilitation Runway 16-34, Rehabilitation Runway Lighting, Maintenance for Taxiway A, B, C, and Aprons, Construct 1900-foot Runway Extension w/Hammerhead Turnaround and Runway Lighting and Electrical Improvements. David Schulz seconded the motion. All voted aye and the motion carried.

With no further business the meeting was adjourned at 4:35 p.m.

Next Meeting: The next regular Commission meeting will be held on April 14, 2009, beginning at 9:00 a.m. in the Commissioners' Conference Room at the Madison County Courthouse in Virginia City, Montana.

Date Approved: April 14, 2009

David Schulz, Chairman
Board of Madison County Commissioners

Minutes prepared by:

Laurie Buyan, Administrative Assistant

Peggy Kaatz, Clerk and Recorder, Madison County